

Policies and Procedures
POLICY: Complaint Handling and Resolution
Policy #14
Effective Date: April 2, 2014

Purpose: This policy establishes a process by which anyone who suspects there has been an incident of non-compliance with respect to the privacy or security of Protected Health Information requested, used or disclosed through the ILHIE may report the suspected incident. This policy also establishes ILHIE Authority requirements for reviewing and resolving such complaints in a timely manner.

Policy:

- 1.0 Right to File a Complaint.** Any person or entity, including but not limited to an Individual, Participant, or Authorized User, who desires to file a complaint ("Complaining Party") with the ILHIE Authority to report a potential incident of non-compliance with respect to the privacy or security of Protected Health Information requested, used, or disclosed through the ILHIE may do so in writing, utilizing a form developed and approved by the ILHIE Authority, or by other appropriate means.
 - 1.1** All complaints will be directed to the ILHIE Privacy and Compliance Officer ("PCO") for handling.
 - 1.2** Complaints may be made on an anonymous basis.
 - 1.3** Neither the ILHIE Authority nor Participants shall threaten, intimidate, coerce, harass, discriminate against, or take any other retaliatory action against a Complaining Party.
- 2.0 Investigation.** Upon receipt of a complaint, the ILHIE PCO will acknowledge the complaint to the Complaining Party, if known.
 - 2.1** The ILHIE PCO shall initiate a review of the complaint upon receipt. After completion of the review, an investigation of the complaint will be initiated if, in the discretion of the ILHIE PCO, an investigation is warranted. The ILHIE PCO shall consult appropriate ILHIE Authority staff and other individuals when conducting reviews and investigations.
 - 2.2** If warranted, the ILHIE Authority may request that a Participant undertake its own review or investigation. The Participant shall keep the ILHIE Authority informed of the progress of such review or investigation upon reasonable request; however, the ILHIE Authority will not participate in or seek information regarding any review or investigation by a Participant that could result in the loss of any applicable attorney-client privilege or work product protections.
- 3.0 Cooperation.** A Participant shall reasonably cooperate and, upon reasonable request, make Participant personnel, policies, procedures, and practices available or

known to the ILHIE Authority, including the ILHIE PCO, when the ILHIE Authority undertakes a review and/or an investigation related to a complaint filed with the ILHIE Authority.

4.0 Resolution. The Complaining Party, if known, shall be notified in writing of the results of a review or investigation by the ILHIE Authority.

4.1 If a complaint is verified, the ILHIE Authority, shall, as recommended, develop and implement appropriate corrective measures. Participants shall implement corrective measures at the reasonable request of the ILHIE Authority.

4.2 Any Complaining Party not satisfied by the ILHIE Authority's proposed resolution of a complaint may request that ILHIE Authority reconsider the matter.

4.3 Upon reasonable request, a Participant shall inform the ILHIE Authority of progress towards implementing corrective measures; however, the ILHIE Authority need not be notified of specific workforce disciplinary actions.

5.0 Compliance. Participants shall comply with these Policies and Procedures. The ILHIE Authority shall monitor and enforce compliance with and adherence to these Policies and Procedures.

5.1 Participant shall cooperate with the ILHIE Authority in its monitoring and enforcement of the Participant's compliance with these Policies and Procedures.

Procedures:

Complaining Party Procedures

1.0 A Complaining Party may submit a complaint to the ILHIE PCO in any manner, including but not limited to:

- (i) In writing, on either a Complaint Form developed and approved by the ILHIE Authority, or in a separate writing that includes the information set forth under ILHIE Authority procedures 1.0;
- (ii) By electronic mail, to the ILHIE PCO at ILHIE.Privacy@illinois.gov; or
- (iii) By phone, at (312) 814-1255.

2.0 If the Complaining Party is identified in the complaint, the Complaining Party may request that the ILHIE Authority maintain the confidentiality of the identity of the Complaining Party. The ILHIE Authority shall respect this request for confidentiality unless, by doing so, the Complaining Party or another person would be placed at significant risk or disclosure is otherwise required by Applicable Law.

3.0 If a Complaining Party is not satisfied by the ILHIE Authority's proposed resolution of a complaint, then the Complaining Party may request that ILHIE Authority reconsider the matter.

ILHIE Authority Procedures

- 1.0** The ILHIE Authority shall develop and approve a Complaint Form. The Complaint Form will request, at a minimum, the following:
 - (i) The name of the party that is the subject of the complaint, if known; and
 - (ii) A description of the acts or omissions believed to be in non-compliance with respect to the privacy or security of Protected Health Information requested, used, or disclosed through the ILHIE.
- 2.0** The ILHIE Authority will provide information on its website about the right of persons including Individuals, Participants, and Authorized Users, to file a complaint, including a copy of the approved Complaint Form.
- 3.0** Within five (5) business days of receiving a complaint, the ILHIE PCO shall:
 - (i) Acknowledge receipt of the complaint to the Complaining Party, if the Complaining Party is known;
 - (ii) Forward a de-identified summary of the complaint to the named Participant(s), if applicable; and
 - (iii) Initiate the review and, if determined warranted, investigation of the complaint.
- 4.0** Upon request, the ILHIE Authority will respect any request for confidentiality made by the Complaining Party unless, by doing so, the Complaining Party or any other person would be placed at significant risk or disclosure is otherwise required by Applicable Law.
- 5.0** The ILHIE Authority shall make reasonable efforts to review and, if necessary, investigate and resolve complaints, provide feedback to the Complaining Party, and implement corrective measures within thirty (30) days of receiving the complaint.
 - 5.1** If necessary, the ILHIE PCO may extend this deadline in his or her sole discretion as necessary, so long as notice explaining a reason for the delay is provided to the Complaining Party, if known, prior to the thirty (30) day deadline.
- 6.0** If, after review, a complaint of non-compliance cannot be verified, then no further action by the ILHIE Authority, including the ILHIE PCO, shall be required other than to notify the Complaining Party, if known, that the complaint could not be verified.
- 7.0** If a complaint of non-compliance is verified, then the ILHIE Authority shall determine appropriate actions including but not limited to corrective measures to seek to resolve the root cause of complaint.
 - 7.1** The ILHIE PCO shall notify the Complaining Party, if known, of the ILHIE Authority's response to the complaint in writing.

- 7.2** The ILHIE PCO shall notify the non-compliant Participant(s) in writing of the actions that the ILHIE PCO has determined to be appropriate to seek to resolve the root cause of the complaint, which may include a corrective action plan.
- 7.3** Any complaints involving a potential Breach of Protected Health Information shall trigger implementation of the Breach Notification and Mitigation Policy (Policy #21).
- 8.0** The ILHIE Authority shall maintain copies of all written Complaint Forms for at least six (6) years from receipt.
- 9.0** The ILHIE Authority shall review all filed complaints to determine if persistent or recurrent problems exist within the ILHIE or ILHIE Authority operations on a regular basis.
- 10.0** The ILHIE Authority shall provide a summary of the findings related to complaints to the ILHIE Authority Data Security and Privacy Committee on at least an annual basis.

Associated Policies & Procedures

45 C.F.R §164.306

Breach Notification and Mitigation Policy

Enforcement

Information Systems Activity Review

Sanctions

Definitions

Authorized User

Complaint Form

Individual

Participant